

## CHAPTER 1094

### NONCOMPLIANCE WITH OUTPATIENT MENTAL HEALTH TREATMENT ORDERS — CUSTODY AND TREATMENT

S.F. 2259

**AN ACT** concerning treatment of a person with a serious mental impairment who fails to comply with an outpatient treatment order.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 229.13, Code 2016, is amended by adding the following new subsection:

**NEW SUBSECTION.** 7. *a.* If the respondent is ordered to undergo outpatient treatment and the respondent's failure to comply with the course of treatment results in behavior by the respondent which, in the opinion of the respondent's mental health professional acting within the scope of the mental health professional's practice, is likely to result in physical injury to the respondent's self or others if allowed to continue, all of the following shall occur:

(1) The respondent's mental health professional acting within the scope of the mental health professional's practice shall notify the committing court, with preference given to the committing judge, if available, in the appropriate county who<sup>1</sup> shall enter a written order directing that the respondent be taken into immediate custody by the appropriate sheriff or sheriff's deputy. The appropriate sheriff or sheriff's deputy shall exercise all due diligence in taking the respondent into protective custody to a hospital or other suitable facility.

(2) Once in protective custody, the respondent shall be given the choice of being treated by the appropriate medication which may include the use of injectable antipsychotic medicine by a mental health professional acting within the scope of the mental health professional's practice at an outpatient psychiatric clinic, hospital, or other suitable facility or being placed for treatment under the care of a hospital or other suitable facility for inpatient treatment.

(3) If the respondent chooses to be treated by the appropriate medication which may include the use of injectable antipsychotic medicine but the mental health professional acting within the scope of the mental health professional's practice at the outpatient psychiatric clinic, hospital, or other suitable facility determines that the respondent's behavior continues to be likely to result in physical injury to the respondent's self or others if allowed to continue, the mental health professional acting within the scope of the mental health professional's practice shall comply with the provisions of subparagraph (1) and, following notice and hearing held in accordance with the procedures in [section 229.12](#), the court may order the respondent treated on an inpatient basis requiring full-time custody, care, and treatment in a hospital until such time as the chief medical officer reports that the respondent does not require further treatment for serious mental impairment or has indicated the respondent is willing to submit to treatment on another basis as ordered by the court.

*b.* A region shall contract with mental health professionals to provide the appropriate treatment including treatment by the use of injectable antipsychotic medicine pursuant to [this section](#).

Approved April 21, 2016

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<sup>1</sup> See chapter 1138, §23 herein